

62-67. (Canceled).

REMARKS

By this Amendment, claim 51 is amended, claims 62-67 are canceled. Consequently, claim 52 and 53 are pending in this application.

Applicant takes this opportunity to thank the Examiner for the courtesy extended to further discuss the outstanding rejections in the Office Action dated December 12, 2007 by phone. The following remarks reflect the subject matter discussed during the interview.

35 U.S.C. § 103(a) Rejection

In the Office Action, claims 51-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,590,766 (Striebich) in view of U.S. Patent No. 5,327,987 (Abdelmalek), and US 4,235,077 (Bryant). Although Applicant does not necessarily agree with this rejection, Applicant has amended claim 51 as suggested by the Examiner.

With respect to claim 51 as submitted on November 9, 2007, in response to office action dated July 9, 2007 Applicant amended the claim to recite that a fly wheel comprising a plurality of blades and a condensation chamber are disposed in the same housing, these features were identified by the Examiner and his supervisor as distinguishing the claimed invention from the cited prior art. In response to the July 9, 2007 office action Claim 51 was also amended to replace the term "expander wheel" with --fly wheel-- and to specifically recite that at least a portion of the plurality of blades is disposed in the inlet of the condensation chamber. A review of the prior art referenced in the December 11, 2007 office action (Page 3 and 4) shows that the referenced patents do not disclose the features recited by Claim 51. For example, the referenced prior art does not disclose a fly wheel comprising a plurality of blades wherein the expander

wheel and the fly wheel is substantially the same body, and housed within a condensation chamber. There are physical, thermodynamic, structural, mechanical, and hydraulic distinct differences between a fly wheel comprising a plurality of blades as cited in Claim 51 by the Applicant, and a “waste heat turbine” unit 3 as disclosed by Striebich. A turbine should not be intended by a person skilled in the art to act as a flywheel, on the contrary turbines are generally intended to weigh as little as possible. For this reason, a person of ordinary skills in the art cannot conclude, deduce, or extrapolate that a fly wheel is a turbine. In addition, Claim 51 recites a condensation chamber which, as agreed in the meeting with the Examiner and Mr. Thomas E. Denion, is different from a “condenser” or “condensing chamber 13” as disclosed by Striebich. Striebich’s condensation chamber 13 is not housing the turbine unit 12, and Striebich’s turbine unit 2 is not a fly wheel. Furthermore, transporting condensable or superheated vapors through piping, tubing, or hydraulic channels cannot be construed as identical to condensing the same condensable or superheated vapors adjacent to the turbine blades outlet. These physical, mechanical, thermodynamic, and hydraulic differences produce mechanical and thermodynamic different results. For these reasons, Claim 51 had been amended after the Applicant met with the Examiner and Mr. Denion to specifically recite: “*the condensation chamber comprising an inlet and an outlet, at least a portion of the plurality of blades is disposed in the inlet of the condensation chamber;*” this section of the claim aimed at clearly indicating the inclusion of the blades within the condensation chamber. In the December 11, 2007 office action (Page 3) Examiner points out that chamber 61 in Striebich has condensate and can be considered as condensed chamber. According to Striebich patent, column 4, line 9, the condensation chamber is formed by “cooling medium atomizer nozzles 60, thus forming a mixture condenser 61.” A mixture condenser as described by this reference includes injection of a cooling fluid to condense

the same or another fluid through mixing. Claim 51 does not disclose mixing, nor a mixture condenser. Claim 51 does not disclose condensation through injection of a cooling fluid. Claim 51 recites *“an injection nozzle for injecting a condensable fluid towards the plurality of blades and the inlet of the condensation chamber so as to rotate the fly wheel,..”* Applicant respectfully believes Examiner misunderstood the purpose of the injection nozzles 60 in Striebich patent as injection nozzles 60 are solely intended to mix one or more fluids at different temperatures to obtain a mixture condenser, while in Claim 51 (Filippone) the injection nozzle is solely intended to expand the fluid (to rotate the fly wheel, to generate torque, and electricity) as the nozzle is directed to the fly-wheel blades, and not for the purposes of condensing. Claim 51 recites that at the exit of the fly wheel-blades system the fluid condenses without mixing and without cooling nozzles as disclosed by Striebich.

Examiner points out that an additional reference by “Bryant” discloses a flywheel 113. According to Bryant’s patent column 6, line 9: “the Rankine cycle engine is connected to a flywheel 113 with teeth 114 near its circumference.” A person ordinarily skilled in the art cannot deduce that teeth 114 may be intended as blades for the expansion of a fluid. Similarly flywheel 113 is not a turbine. Bryant’s flywheel is merely a flywheel driven by the engine crankshaft, not by the expansion and condensation of a condensable fluid.

However, in the interest of time and in addition to the distinct features submitted in the amended claims on November 9, 2007, Applicant agreed to further amend Claim 51 following the Examiner suggestion to include control features as done for Claim 38.

For at least these reasons, the newly amended independent Claim 51, and its respective dependent claims, 52 and 53, are patentably distinguished from the cited prior art. Thus, reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection based on Striebich, Abdelmalet, and Bryant is respectfully requested.

Claims 62-67 Withdrawn

Examiner indicated in the December 11, 2007 office action that the subject matter of claims 62-67 are directed to an invention that is independent or distinct. Claim 62-67 are therefore withdrawn from consideration in this application.

In view of the foregoing amendments and remarks, Applicant respectfully submits that pending claim 51-53 are in condition for allowance.

Respectfully submitted,

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By: _____
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